

10 CIV 9257

UNITED STATES DISTRICT
SOUTHERN DISTRICT OF NEW YORK

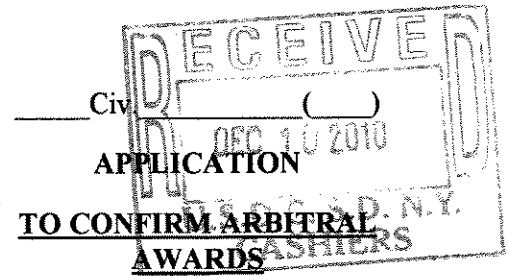
-----x
Mohammad Ammar Al-Bahloul

Plaintiff,

-against-

The Republic of Tajikistan

Defendant,
-----x



Plaintiff Mohammad Ammar Al-Bahloul ("Mr. Al-Bahloul") brings this Application to Confirm Arbitral Awards ("Application") pursuant to Section 207 of the Federal Arbitration Act ("FAA"), 9 U.S.C. §207, and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards ("The New York Convention"), codified at 9 U.S.C. §201:

1. Mohammad Ammar Al-Bahloul respectfully requests that the court confirm the Partial Award on Jurisdiction and Liability (issued in Stockholm September 2, 2009) and the Final Award (issued in Stockholm June 8, 2010) in Stockholm Chamber of Commerce arbitration number V(064/2008) and the court enter an enforceable judgments against the Defendant The Republic of Tajikistan ("Tajikistan") pursuant to the FAA and the New York Convention.
2. The court shall grant this application because:
 - a. The Republic of Tajikistan may be served process pursuant to Sections 302 and 313 of the New York long arm statute, N.Y. C.P.L.R 302, and Articles 2 through 7 of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, Nov. 15, 1965 [1969], 20 U.S.T. 361, T.I.A.S. No. 6638. The plaintiff has complied with these requirements by delivering this application via certified mail to the President of the Republic, the Minister of Mines, and the its representative in the US;
 - b. Section 203 of the FAA, 9 U.S.C §203, expressly confers original subject matter jurisdiction on this Court over proceedings falling under the New York Convention;
 - c. This court has specific Personal Jurisdiction over Tajikistan because it has purposefully availed itself of the benefits of this forum by its maintenance of a permanent mission at 216 East 49th Street, New York, NY 10017 (§304.4) and the maintenance of federally insured and protected bank accounts with Chase Manhattan Bank in New York City (§302,1). This court also has personal

jurisdiction over Tajikistan as it has impliedly consented to personal jurisdiction in this forum;

- d. Venue is proper in this district under section 204 of the FAA, 9 U.S.C. §204, and the general venue statute, 28 U.S.C. §1391; and
- e. Mohammad Ammar Al-Bahloul has complied with the requirements of Article IV (1) of the New York Convention by supplying with this application: (i) a copy of the Partial Award on Jurisdiction and Liability (Exhibit 1-B), certified as a true and accurate copy by the Plaintiff (Exhibit at 1-A); (ii) a copy of the Final Award (Exhibit 2-B), certified as a true and accurate copy by the Plaintiff (Exhibit 2-A); (iii) a copy of the arbitration agreement (Exhibit 3) given effect by the signing of the Energy Charter Treaty by the Republic of Austria and Tajikistan.

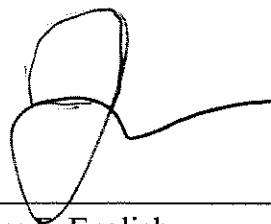
REQUEST FOR RELIEF

- 3. For the reasons set forth in this Application , Plaintiff Mohammad Ammar Al-Bahloul respectfully requests that Plaintiff have judgment as follows:
 - a. That this court enter an order confirming the Partial Award on Jurisdiction and Liability and Final Award and ordering Defendant to pay Plaintiff EUR\$ 552,488 and SK\$ 4063;
 - b. That Plaintiff be awarded its attorney's fees in connection with it Application to Confirm Arbitral Awards;
 - c. The Plaintiff be awarded its cost of suit;
 - d. The Plaintiff receive all other relief which it is justly entitled to.

Dated: Denver, Colorado
December 6, 2010

Respectfully submitted,

ENGLISH & VELTRI, LLC

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a small flourish.

By: _____
James F. English
Colorado Bar No. 41077
Attorneys for Plaintiff
English & Veltri LLC
7640 South Ulster Court
Centennial, Colorado 80112
Phone: (720) 394 – 5070
E-mail: jenglish@englishveltri.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Mohammad Ammar Al-Bahloul

Plaintiff,

Index No. _____

-against-

**ORDER FOR CONFIRMATION
OF
ARBITRAL AWARDS**

The Republic of Tajikistan

Defendant,

-----X

The Court, having reviewed Plaintiff's Application to Confirm Arbitral Awards, hereby GRANTS the Application, and Orders that Defendant must within thirty (30) days of the date of this Order:

- a. Pay Plaintiff EUR\$ 552,488 and SK\$ 4063 pursuant to the confirmation of the Partial and Final Awards;
- b. Pay the Plaintiff attorney's fees in connection with its Application to Confirm Arbitral Awards;
- c. Pay the Plaintiff costs related to this suit;

Additionally, pursuant to its powers under the Federal Arbitration Act and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, this court confirms the findings of the Partial Award on Jurisdiction and Liability (issued in Stockholm September 2, 2009) and the Final Award (issued in Stockholm June 8, 2010).

Clerk of Court
Dated: December 6, 2010

United States District/Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Mohammad Ammar Al-Bahloul

Plaintiff,

-against-

The Republic of Tajikistan

Defendant,
-----X

Index No. _____

PROOF OF SERVICE

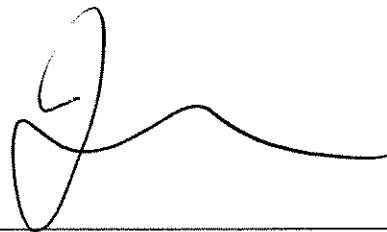
Service was completed both for the Motion Pro Hac Vice and the Application to
Confirm Arbitral Awards by Registered US Mail to the following recipients:

1. President of the Republic of Tajikistan
2. Minister of Energy and Industry of the Republic of Tajikistan

The Republic of Tajikistan does not bar service by registered mail and thus service by
registered mail is permitted under the Federal Rules (Fed. R. Civ. P. 4(f)). Copies of the
receipts are attached to this motion.

Dated: New York, New York
December 6, 2010

Respectfully submitted,



By: _____
James F. English
Colorado Bar No. 41077
Attorneys for Plaintiff
English & Veltri LLC
7640 South Ulster Court
Centennial, Colorado 80112
Phone: (720) 394 – 5070
E-mail: jenglish@englishveltri.com

DELIVERY (POSTAL USE ONLY)			
Delivery Attempt	Time	<input type="checkbox"/> AM	Employee Signature
Mo. Day			
Delivery Attempt	Time	<input type="checkbox"/> AM	Employee Signature
Mo. Day			
Delivery Date	Time	<input type="checkbox"/> AM	Employee Signature
Mo. Day			

CUSTOMER USE ONLY			
WAVES OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if customer requests waiver of signature.			
I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.			
Federal Agency Acct. No. or Postal Service Acct. No.			
<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/> Mailer Signature			
TO: (PLEASE PRINT) PHONE () President of the Republic of Tajikistan Pr. Rudaki, 42 734051, Dushanbe Republic of Tajikistan ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)			
FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW. The Republic of Tajikistan			

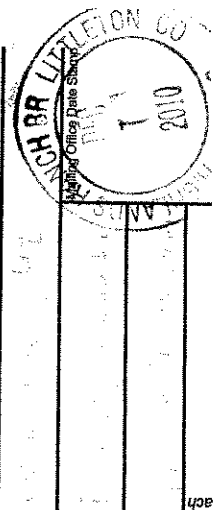
LC513031858US

USPS® Customs Declaration – CN 22

IMPORTANT: The item/parcel may be opened officially. See Privacy Notice on reverse of Sender's Instructions page. Please print in English and press firmly; you are making multiple copies.

From:

To:



ORIGIN (POSTAL SERVICE USE ONLY)			
PO ZIP Code	Day of Delivery	Postage	Insurance Fee
EG 713935774 US	<input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd Day	\$ 7.95	
Date Accepted	Scheduled Date of Delivery	Return Receipt Fee	
11-4-10	Month Day Year	\$	
Mo. Day Year	Scheduled Time of Delivery	COD Fee	
11-4-10	<input type="checkbox"/> Noon <input type="checkbox"/> 3 PM	\$	
Time Accepted	Military	Total Postage & Fees	
11-43 AM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	\$ 7.95	
Flat Rate or Weight	Int'l Alpha Country Code	Acceptance Emp. Initials	
lbs. ozs.	323 TJ		

FROM: (PLEASE PRINT) PHONE	
James E. English	720-394-5070
English & Vern LLC	
640 S. Ulster Ct.	
Centennial CO 80112	

FOR PICKUP OR TRACKING

Visit www.usps.com

Call 1-800-222-1811

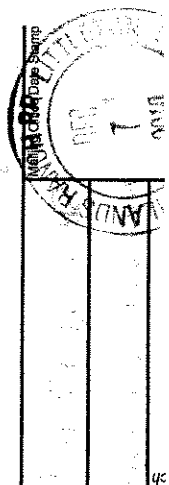
LC513031861US

USPS® Customs Declaration – CN 22

IMPORTANT: The item/parcel may be opened officially. See Privacy Notice on reverse of Sender's Instructions page. Please print in English and press firmly; you are making multiple copies.

From:

To:



EG 713935765 US

ORIGIN (POSTAL SERVICE USE ONLY)			
PO ZIP Code	Day of Delivery	Postage	Insurance Fee
2130	<input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd Day	\$ 7.95	
Date Accepted	Scheduled Date of Delivery	Return Receipt Fee	
7-4-10	Month Day Year	\$	
Mo. Day Year	Scheduled Time of Delivery	COD Fee	
7-4-10	<input type="checkbox"/> Noon <input type="checkbox"/> 3 PM	\$	
Time Accepted	Military	Total Postage & Fees	
7-4-10	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	\$ 7.95	
Flat Rate or Weight	Int'l Alpha Country Code	Acceptance Emp. Initials	
lbs. ozs.	323 TJ		

(PLEASE PRINT) PHONE () 720-394-5070

James E. English
 English & Vern LLC
 640 S. Ulster Ct.
 Centennial CO 80112

PICKUP OR TRACKING



UNITED STATES POSTAL SERVICE®

Customer Copy

Label 11-B, March 2004

Post Office To Addressee

DELIVERY (POSTAL USE ONLY)			
Delivery Attempt	Time	<input type="checkbox"/> AM	Employee Signature
Mo. Day			
Delivery Attempt	Time	<input type="checkbox"/> AM	Employee Signature
Mo. Day			
Delivery Date	Time	<input type="checkbox"/> AM	Employee Signature
Mo. Day			

CUSTOMER USE ONLY	
PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.	
<input type="checkbox"/> WAVES OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if customer requests waiver of signature.	
I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.	
<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/> Mailer Signature	

TO: (PLEASE PRINT) PHONE ()

Minister of the Ministry of Energy
 & Industry Republic of Tajikistan
 Pr. Rudaki, 42
 734051, Dushanbe
 Republic of Tajikistan
 ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)

+